

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NICHIA CORPORATION,  
Plaintiff

No. 06-0162 MMC

v.  
SEOUL SEMICONDUCTOR, LTD., et al.,  
Defendants

**ORDER DENYING PLAINTIFF'S  
ADMINISTRATIVE MOTION TO FILE  
EXHIBITS UNDER SEAL (DOCKET #  
814)**

Before the Court is plaintiff's "Administrative Motion to File Under Seal Plaintiff Nichia Corporation's Confidential Exhibits to the Declaration of Michael J. Song in Support of Plaintiff's Opposition to Seoul's Motion of Summary Judgment Regarding Allegations of Willfulness," filed October 1, 2007, by which plaintiff seeks leave to file certain exhibits under seal, in light of defendants' having assertedly designated the exhibits as confidential.

Under the Local Rules of this District, where a party seeks to file under seal any material designated as confidential by another party, the submitting party must file a motion for a sealing order. See Civil L.R. 79-5(d). "Within five days thereafter, the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality." Id. "If the designating party does not file its responsive declaration as required by this subsection, the document or

1 proposed filing will be made part of the public record.” Id.

2 Here, the designating parties, defendants, have not filed a responsive declaration  
3 within the time provided under Civil Local Rule 79-5(d).

4 Accordingly, the administrative motion is hereby DENIED, and the Clerk is  
5 DIRECTED to file in the public record the Confidential Exhibits to the Declaration of Michael  
6 J. Song in Support of Plaintiff’s Opposition to Seoul’s Motion of Summary Judgment  
7 Regarding Allegations of Willfulness.

8 **IT IS SO ORDERED.**

9  
10 Dated: October 22, 2007

  
MAXINE M. CHESNEY  
United States District Judge